

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: Application No. **09/834,208**

Confirmation No. 3950

Filing Date : April 13, 2001

Examiner: M. Mendoza

Applicant: G. Thomas Wolf

Art Unit: 3731

For: **Oxygen Mask**

Docket No. 0022-001

**Request for Refund**

***Mail Stop: Amendment***

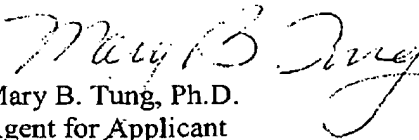
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Applicant respectfully requests a refund under 37 C.F.R. §1.26. The Applicant requests a refund of the fee paid to file a Notice of Appeal on July 19, 2004, in the amount of \$165.00 USD. The request is made because in the Action mailed September 8, 2004, the Examiner withdrew the finality of the previous Office Action, thus rendering the Notice of Appeal moot. The withdrawal of finality was made by the Examiner at the request for reconsideration by Applicant, which the Examiner stated in the first paragraph of page 2 of the Action, as being persuasive. The basis for the request for reconsideration is that the Examiner introduced a new grounds for rejection, as discussed by the Applicant on page 11 of the response filed on July 19, 2004. The Applicant is an independent inventor and has small entity status with the U.S.P.T.O.

The payment of the Notice of Appeal fee was made via credit card and the Applicant authorizes the Office to refund the fee via a credit to the credit card account to which the fee was charged.

Respectfully submitted,

  
Mary B. Tung, Ph.D.  
Agent for Applicant  
Registration No. 50,007

Date: May 18, 2005

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## FAX *Mail Stop: AMENDMENT*

To: Examiner Mendoza, AU 3731

From: Mary B. Tung, #50,007

FAX

Sender's

Number: 571-273-4698

Phone #: 410-224-4546

Date: June 29, 2005

Sender's

FAX #: 410-224-4748

Re: SN: 09/834,208 Reply Under 37 C.F.R. 1.111

# Pages: 21, including coversheet

### Comments:

The following correspondence is being submitted for appropriate action by the U.S. Patent and Trademark Office via facsimile transmission:

Fax Coversheet,

Fax Coversheet and Fax Auto Reply receipt dated May 27, 2005,

Cover letter,

Copy of U.S.P.T.O. Auto-Reply receipt showing 15 pages received by the U.S.P.T.O.,

Cover letter for Reply dated May 18, 2005,

Reply Under 37 C.F.R. 1.111 (11 Pages), and

Request for Refund.

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## FAX *Mail Stop: AMENDMENT*

To: Examiner Mendoza, AU 3731

From: Mary B. Tung, #50,007

FAX

Number: 703-872-9306

Sender's

Phone #: 410-224-4546

Date: May 27, 2005

Sender's

FAX #: 410-224-4748

Re: SN: 09/834,208 Reply Under 37 C.F.R. 1.111

# Pages: 19, including coversheet

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Jane Shershenovich, Esq.  
Patent Attorney (MD)

Mary Beth Tung, Ph.D.  
Patent Division Director  
(Practice Limited to US Patent and  
Trademark Office)

***Mail Stop: AMENDMENT***

May 27, 2005  
**VIA FACSIMILE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application  
Appl. No. 09/834,208; Filed: April 13, 2001  
For: Oxygen Mask  
Inventor: G. Thomas Wolf  
Our Ref: 0022-010001

Sir:

We are writing in regard to our filing on May 18, 2005. We faxed a Reply to an Office Action to the Central Fax Number. The Reply consisted of fifteen (15) pages, of which eight (8) pages were received on the first attempt. An Auto-Fax receipt was generated by the U.S.P.T.O. and received shortly after transmission that only 8 pages of the 15 pages were received by the Patent Office. We then re-sent the 15 page filing which was received by the U.S.P.T.O., which then generated an Auto-Reply Fax receipt that all 15 pages had been received. When checking PAIR to assure that all pages that were filed had been entered, we noticed that only the first Fax transmission had been scanned into the file. Thus, we are re-sending the papers that filed (15 pages), in addition to a copy of the Auto-Reply Fax receipt, indicating receipt of all 15 pages of the Reply.

We respectfully request that the complete reply consisting of the fifteen pages timely filed on May 18, 2005 be entered and that the Reply to the Office Action is considered timely. As the Reply was filed within the three (3) month Shortened Statutory period set by the Examiner, the applicants believe that no late fees are due.

The following correspondence is being submitted for appropriate action by the U.S. Patent and Trademark Office via facsimile transmission:

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Cover letter,

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**CONWELL, LLC**  
ATTORNEYS AT LAW

Page 2 of 2

Copy of U.S.P.T.O. Auto-Reply receipt showing 15 pages received by the U.S.P.T.O.,

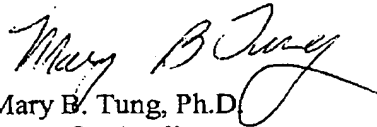
Cover letter for Reply dated May 18, 2005,

Reply Under 37 C.F.R. 1.111 (11 Pages), and

Request for Refund.

It is respectfully requested that the following response be entered and considered timely by the Office.

Respectfully submitted,

  
Mary B. Tung, Ph.D.  
Agent for Applicant  
Registration No. 50,007

Litigation / Appeals ★ Homeland Security ★ Immigration ★ International ★ Corporate  
Patents / Trademarks / Intellectual Property / Technology ★ Contracts ★ Growth Companies

## Auto-Reply Facsimile Transmission



TO: Fax Sender at 410 224 4748

Fax Information  
 Date Received: 5/18/2005 4:33:52 PM [Eastern Daylight Time]  
 Total Pages: 15 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
 Cover  
 Page  
 =====>

May 18 05 04:34p Scott R. Conwell, Esq. 410-224-4748 P.1	
<b>CONWELL, LLC</b> ATTORNEYS AT LAW	
<p>130 Lubrano Drive                  Suite 112                  Annapolis, MD 21401                  Phone: 410.224.4546                  Fax: 410.224.4748                  www.conwellllc.com</p> <p>Scott Conwell, Esq.                  Member and Chairman (MD, DC)  <a href="mailto:scott@conwellllc.com">scott@conwellllc.com</a></p> <p>John S. Wangler, Esq.                  Of Counsel (NY, DC)  <a href="mailto:john@conwellllc.com">john@conwellllc.com</a></p> <p>Kevin Michael Reilly, Esq.                  Of Counsel (DC)  <a href="mailto:kevin@conwellllc.com">kevin@conwellllc.com</a></p> <p>Jane Shalchenshich, Esq.                  Patent Attorney (DC)  <a href="mailto:jane@conwellllc.com">jane@conwellllc.com</a></p> <p>Mary Beth Tung, P.D.                  Patent Agent  <a href="mailto:mary@conwellllc.com">mary@conwellllc.com</a></p>	<p style="text-align: center;"><b>FAX Mail Stop: AMENDMENT</b></p> <p>To: <u>Examiner Mendoza, AD 2731</u> From: <u>Mary B. Tung, 250.007</u></p> <p>FAX Number: <u>703-472-9306</u> Sender's Phone #: <u>410-224-4546</u></p> <p>Date: <u>May 18, 2005</u> Sender's FAX #: <u>410-224-4748</u></p> <p>Re: <u>SN: 09/834,208 Reply Under 37 C.F.R. 1.111</u></p> <p># Pages: 14, including coversheet</p> <p>Comments:</p> <p>The following correspondence is being submitted for appropriate action by the U.S. Patent and Trademark Office via facsimile transmission:</p> <p style="padding-left: 40px;">Fax Coversheet,                  Cover letter,                  Reply Under 37 C.F.R. 1.111 (11 Pages), and                  Request for Refund</p> <p style="font-size: small;">This fax is directed in confidence solely to the person(s) named above and may not otherwise be distributed, copied or disclosed. If you have received this fax in error, please notify us immediately or destroy it without making a copy.</p> <p style="font-size: x-small; text-align: center;">Litigation / Appeals * Homeland Security * Immigration * International * Corporate                  Patents / Trademarks / Intellectual Property / Technology * Contracts * Growing Companies</p> <p style="font-size: x-small;">PAGE 011 * RCVD AT 6/29/2005 4:02:07 PM * SVR:USPTO-EFAX * DNIS:2734698 * CSID:410 224 4748 * DURATION (mm:ss):06:22</p>

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To: Examiner Mendoza, AU 3731

From: Mary B. Tung, #50,007

### FAX

Number: 703-872-9306

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Jane Shershenovich, Esq.  
Patent Attorney (MD)

Mary Beth Tung, Ph.D.  
Patent Division Director  
(Practice Limited to US Patent and  
Trademark Office)

*Mail Stop: AMENDMENT*

May 18, 2005  
**VIA FACSIMILE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application  
Appl. No. 09/834,208; Filed: April 13, 2001  
For: **Oxygen Mask**  
Inventor: G. Thomas Wolf  
Our Ref: 0022-010001

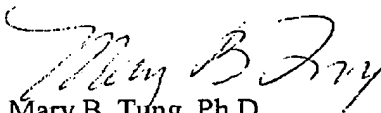
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Respectfully submitted,

  
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Agent for Applicant  
Registration No. 50,007

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Patents / Trademarks / Intellectual Property / Technology ★ Contracts ★ Growth Companies